



Smith 5 #13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:
A. James Smith JR.

Serial No.: **09/970,955**

Filed: **October 04, 2001**

Title: **METHOD AND APPARATUS FOR
SECURING A LIST OF PASSWORDS AND
PERSONAL IDENTIFICATION NUMBERS**

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: Group Art Unit: **2132**
:
: Examiner: **Justin T.
Darrow**
:
: Atty. Dkt.: **Smith 5**
:

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Assistant Commissioner for Patents
Washington, D.C. 20231

AUG 1 2 2002

Technology Center 2100

Sir:

TERMINAL DISCLAIMER TO OBVIATE

A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

I, Vincent E. McGeary, represent that I am an attorney of record for this application.

Petitioner, A. James Smith, Jr., a citizen of the United States of America, residing at 4901 Gulf Shore Boulevard North, Apt. 1903, Naples, Florida 34103, represents that he is the owner of the entire right, title, and interest in and to U.S. Application Serial No. 09/970,955, entitled "METHOD AND APPARATUS FOR SECURING A LIST OF PASSWORDS AND PERSONAL IDENTIFICATION NUMBERS," filed October 4, 2001.

Petitioner further represents that he is the owner of the entire right, title, and interest in and to U.S. Patent No. 6,253,328 B1, filed on February 12, 1998, and issued on June 26, 2001.

08/09/2002 CNGUYEN 00000107 09970955

03 FC:248 55.00 OP
Repln. Ref: 08/09/2002 CNGUYEN 0013265400
DAH:033839 Name/Number:09970955
FC: 704 \$55.00 CR

Petitioner hereby disclaims the terminal part of any patent granted on said U.S. Application Serial No. 09/970,955, which would extend beyond the expiration date of U.S. Patent No. 6,253,328 B1, issued on June 26, 2001.

Petitioner further agrees that any patent issuing on said U.S. Patent Application No. 09/970,955 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Patent Application No. 09/970,955 and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, patent No. 6,253,328 B1, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Enclosed is a check of \$110.0 for the disclaimer fee according to 37 C.F.R. § 1.20(d). If additional fees are due in respect to this disclaimer, please charge them to Gibbons, Del Deo, Dolan, Griffinger & Vecchione Deposit Account No. 03-3839.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'V. E. McGeary', with a long horizontal flourish extending to the right.

Vincent E. McGeary

Reg. No. 42,862

ATTORNEY FOR APPLICANT

Customer No. 26345

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